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PAPER NUMBER

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/477,985	01/05/2000	PALLAB MIDYA	SC10874TC	1033
75	590 04/29/2003		,	
HARRY A WOLIN			EXAMINER	
AUSTIN INTE	MOTOROLA INC AUSTIN INTELLECTUAL PROPERTY LAW SECTION		NGUYEN, MINH T	
7700 WEST PARMER LANE MD TX32 PL02				

ART UNIT 2816

DATE MAILED: 04/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Application N. Application (a) Application (·							
## Deficie Action Summary Examiner Minh Nguyen 2816 281		Application N .	Applicant(s)					
Minh Nguyen 2816		09/477,985	MIDYA ET AL.					
The MAILING DATE If this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Educations of the may help a weaking used for the provisions of 3 CFR 1.38(n). In no event, however, may a righty be limity filled. If the period for may be specified above is less than thiny (30) days, and you with the statutiony minimum of thiny; (30) days, will be considered limity. If the period for may is specified above is less than thiny (30) days, and specified of the communication of the period for may be sent or destination and the statution of the period for may be sent or destination of the period of the communication (s. 14 months). Failure to apply within the set or estimated for fraidly with by distultion, cause the application to become ABANCONED (30 U.S.C. § 133). Period of the period of the communication (s. 15 months). Period of the second and	Office Action Summary	Examiner	Art Unit					
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2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-63 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to by the Examiner. 4pplication Papers 9) The specification is objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 10 Notice of References Cited (PTO-928)	THE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a re - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statu - Any reply received by the Office later than three months after the mailier earned patent term adjustment. See 37 CFR 1.704(b).	. 136(a). In no event, however, may a reply be toply within the statutory minimum of thirty (30) daily will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDON	imely filed sys will be considered timely. In the mailing date of this communication. ED (35 U.S.C. § 133).					
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DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I: a switching circuit which includes switches and passive break-before-make element having a structure shown in Fig. 5 and audio amplifier circuit using the switching circuit (claims 1, 16 and 25 and dependent claims).

Species II: a switching circuit which includes switches and passive make-before-break element having a structure shown in Fig. 9 and audio amplifier circuit using the switching circuit (claims 9, 21 and 30 and dependent claims).

Species III: a switching circuit which includes DDRA element having a structure shown in Fig. 12A (claims 35 and 51 and dependent claims).

Species IV: a switching circuit which includes DDRA element having a structure shown in Fig. 14 (claim 58 and dependent claims).

2. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Application/Control Number: 09/477,985 Page 3

Art Unit: 2816

3. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 5. A telephone call was made to an attorney of record on 4/25/03 to request an oral election to the above restriction requirement, but did not result in an election being made.
- 6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 7. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable

Application/Control Number: 09/477,985 Page 4

Art Unit: 2816

thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

- 8. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).
- 9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Nguyen whose telephone number is 703-306-9179. The examiner can normally be reached on Monday Thursday 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on 703-308-4876. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Minh Nguyen Examiner

Marz

Art Unit 2816